

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
3:11-CR-00174-MOC-SCR**

<b>UNITED STATES OF AMERICA,</b>	)
<b>Plaintiff,</b>	)
	)
<b>v.</b>	)
	)
<b>ERCELL CAREY,</b>	)
<b>Defendant,</b>	)
<b>and</b>	)
	)
<b>DEALERON, INC.,</b>	)
<b>Garnishee.</b>	)

**ORDER OF CONTINUING GARNISHMENT**

**THIS MATTER** is before the Court on the Answer of DealerOn, Inc., as the Garnishee. Judgment in the criminal case was entered on July 24, 2012. (Doc. No. 17.) As part of that Judgment, the Defendant, Ercell Carey, was ordered to pay an assessment of \$200.00 and restitution of \$43,022.75 to the victims of the crime. *Id.*

On June 21, 2024, the Court entered a Writ of Continuing Garnishment (“Writ”) (Doc. No. 25) as to the Garnishee, DealerOn, Inc. The Defendant was served with the Writ and Instructions notifying him of his right to request a hearing on July 8, 2024. The Garnishee was served with the Writ and Instructions on June 27, 2024. The Garnishee filed an Answer on July 16, 2024, stating that at the time of service of the Writ, the Garnishee had in its custody, control, or possession property or funds owned by the Defendant, including non-exempt, disposable earnings. (Doc. No. 28 at 1-3). The Garnishee certified that it served the Answer on the Defendant on July 10, 2024. *Id.* at 4. The Defendant did not request a hearing, and the statutory time to do so has elapsed.

**IT IS THEREFORE ORDERED** that an Order of Continuing Garnishment is hereby **ENTERED** in the amount of \$36,041.30 computed through June 18, 2024. The Garnishee shall pay the Plaintiff, United States of America, up to the lesser of:

1. twenty-five percent (25%) of the Defendant's disposable earnings which remain after all deductions required by law have been withheld, or
2. the amount by which the Defendant's disposable earnings for each week exceed thirty (30) times the federal minimum wage.

*See* 15 U.S.C. § 1673(a). The Garnishee shall continue payments until the debt to the Plaintiff is paid in full, or until the Garnishee no longer has custody, possession, or control of any property belonging to the Defendant, or until further Order of this Court.

Payments should be made payable to the United States Clerk of Court and mailed to:

Clerk of the United States District Court  
401 West Trade Street  
Charlotte, North Carolina 28202

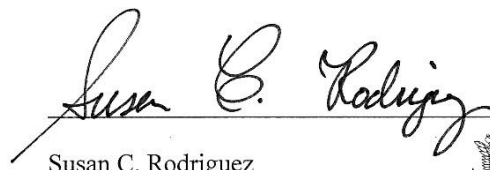
In order to ensure that each payment is credited properly, the following should be included on each check: Defendant's Name Ercell Carey and Court Number DNCW3:11CR174.

**IT IS FURTHER ORDERED** that the Garnishee shall advise this Court if the Defendant's employment is terminated at any time by the Garnishee or the Defendant.

**IT IS FURTHER ORDERED** that the Plaintiff shall submit this debt to the Treasury for inclusion in the Treasury Offset Program. Under this program, any federal payment the Defendant would normally receive may be offset and applied to this debt.

Signed: August 7, 2024

**SO ORDERED.**

  
Susan C. Rodriguez  
United States Magistrate Judge 